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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/002,623	
	Filing Date	November 1, 2001	
	First Named Inventor	DEFNER, PETER J.	
	Group Art Unit	1634	
	Examiner Name	Sally A. Sakelaris	
Total Number of Pages in This Submission	3	Attorney Docket Number	STAN-212
ENCLOSURES (check all that apply)			
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Declaration of Peter A. Underhill (2 pgs.)	Remarks
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or Individual Name	EDWARD J. BABA, Reg. No. 52,681		
Signature			
Date	January 26, 2005		

CERTIFICATE OF FACSIMILE TRANSMISSION	
I hereby certify that this correspondence is being facsimile filed under 37 C.F.R. §§ 1.6(d) and 1.8(a)(1)(b) addressed to: (571) 273-8300 on this date: January 26, 2005.	
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Date	January 26, 2005

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<p align="center">DECLARATION OF PETER A. UNDERHILL UNDER 37 C.F.R. § 1.132</p> <p align="center">Address to: Assistant Commissioner for Patents Washington, D.C. 20231</p>	Attorney Docket No.	STAN-212
	Confirmation No.	1933
	First Named Inventor	OEFNER, PETER J.
	Application Number	10/002,623
	Filing Date	November 1, 2001
	Group Art Unit	1634
	Examiner Name	SAKELARIS, SALLY A.
<p>Title: "METHOD FOR DETERMINING GENETIC AFFILIATION, SUBSTRUCTURE AND GENE FLOW WITHIN HUMAN POPULATIONS"</p>		

Dear Sir:

1. I, Dr. Peter A. Underhill, declare and say I am a co-inventor of the claims of the above-identified patent application. I directed others and personally performed the research leading to the invention disclosed and claimed therein.
2. I am a co-author of the research publication: Shen, Wang, Underhill, Franco, Yang, Roxas, Sung, Lin, Hyman, Vollrath, Davis, Cavalli-Sforza, and Oefner, Proc. Nat'l Acad. Sci. USA (June 2000) 97:7354-7359 ("*Shen et al.*, (2000)").
3. I understand that Examiner Sakalaris has indicated that the publication of *Shen et al.* (2000) may be available as prior art.
4. *Shen et al.* (2000) is not a publication by another.
5. As set forth by the court in *In re Katz*, 215 U.S.P.Q. 14; and MPEP §715.01(c), authorship of an article by itself does not raise a presumption of inventorship with respect to the subject matter disclosed in the article. Thus, coauthors may not be presumed to be co-inventors merely from the fact of co-authorship.

Atty Dkt. No.: STAN-212
USSN: 10/002,623

5. Peter J. Oefner and I, who are co-authors of *Shen et al.* (2000), conceived of and reduced to practice the invention disclosed and claimed within this application. The remaining authors, Shen, Wang, Franco, Yang, Roxas, Sung, Lin, Hyman, Vollrath, Davis, and Cavalli-Sforza are not inventors of the claimed invention, but were named as co-authors due to technical contribution they provided. Shen, Wang, Franco, Yang, Roxas, Sung, Lin, Hyman, Vollrath, Davis, and Cavalli-Sforza did not contribute inventive input with respect to the invention disclosed and claimed in this application.

7. I hereby declare that all statements made herein of my own knowledge are true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Date: JAN 26, 2005

By Peter A. Underhill
Peter A. Underhill, Ph.D.